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(includes amendments effective through 2007)

City of San Leandro Zoning Code - Article 13

## Article 13 S Special Review Overlay District

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#### *S Special Review Overlay District*

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### **S Special Review Overlay District**

#### **3-1300 Specific Purposes and Applicability**

In addition to the general purposes listed in Article 1, the specific purpose of the S Special Review Overlay District is to provide for discretionary review of development proposals in the Marina Automall area and in other geographic areas of the City with unique needs, which may be designated by the City Council, consistent with General Plan policies. This will ensure an orderly transition from older obsolete uses to new activities that are compatible with adjacent uses and will prevent development that may be detrimental to the community.

#### **3-1302 Applicability and Zoning Map Designation**

The S Special Review Overlay District may be combined with any zoning district. It may be initiated by the City Council or Planning Commission under the procedures established by Article 27: Amendments. Each S Overlay District shall be shown on the zoning map by adding an "-S" to the base district designation, followed by a number based on the order of adoption. The zoning map also shall include a reference to the adopting ordinance establishing the S Overlay District.

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### **3-1304 Land Use and Property Development Regulations**

The land use and development regulations applicable in an S Overlay District shall be those of the base zoning district with which the S Overlay District is combined unless modified by another overlay district or by the ordinance establishing the S Overlay District. The requirements of the applicable S Overlay District shall govern where conflicts arise.

### **3-1306 Use Permit Required**

A use permit is required for any of the following actions within an S Overlay District:

- A. Establishment of any new land use and/or structure, excluding accessory structures that are minor in nature.
- B. Substantial expansion or alteration of any existing land use and/or structure.
- C. Approval of any tentative or parcel map.
- D. Any other action specified by the City Council at the time of the establishment of an S Overlay District.
- E. In addition to or in lieu of a use permit, the City Council may establish other review procedures or requirements at the time of establishment of an S Overlay District or necessary to assure conformance of uses and buildings with purposes and objectives of the S District.
- F. Exceptions. The Zoning Enforcement Official may waive the requirement for a use permit or other specified discretionary approval for the following activities, provided that any such waiver is not inconsistent with any policy directive or review criteria incorporated in the legislation establishing the S Overlay District. These exceptions include alterations of existing structures that are minor in nature or that do not add more than ten percent (10%) to existing floor area, and maintenance or repair of existing structures.

### **3-1308 Review Criteria**

In addition to the requirements of Sections 5-2212 and 5-2214, the City Council, upon recommendation of the Planning Commission, may establish specific review criteria for each S Overlay District. These may address the relationship of the proposed land use and/or development to the surrounding area, site planning and architectural design, landscaping, parking and loading, access and on-site public facilities, the displacement and relocation of existing uses, and any policies or aspects of the General Plan or any Specific Plan applicable to the area.

### **3-1310 Conditions of Approval**

In addition to the conditions of approval that may be imposed under Section 5-2214, the Planning Commission or Board of Zoning Adjustments may impose reasonable conditions to ensure compliance with the specific purposes and intent of the applicable S Overlay District, including time limits or restrictions on certain improvements to mitigate potential adverse effects, protect existing uses, and/or facilitate orderly change, at a later date, consistent with the General Plan.

### **3-1312 Procedures**

- A. General Procedures. An application for approval of a use permit in an S Overlay District shall be processed in accord with the procedures established by Sections 5-2206 and 5-2208 and any additional requirements applicable to that S district.
- B. Additional Requirements. The ordinance establishing the S Overlay District may impose additional requirements for information to be submitted with each application, such as an independent analysis of economic and fiscal impacts, an independent evaluation of compatibility between the new use(s) and adjacent development, or an assessment of alternative development concepts. If required, this information shall be considered by the Planning Commission or Board of Zoning Adjustments in making a decision to approve, conditionally approve, or deny a use permit or other discretionary approval.

### **AU Assembly Use Overlay District**

#### **3-1320 Specific Purposes and Applicability**

In addition to the general purposes listed in Article 1, the specific purpose of the AU Assembly Use Overlay District is to provide for discretionary review of assembly uses on certain non-residentially zoned properties which may be designated by the City Council, consistent with General Plan policies. This allows Assembly Uses, as defined in Article 3, to be considered on non-residentially zoned properties on a conditional use basis, beyond the residential-zoned properties for which they are already conditionally permitted.

#### **3-1322 Applicability and Zoning Map Designation**

The AU Assembly Use Overlay District may be combined with any zoning district. It may be initiated by the City Council or Planning Commission under the procedures established by Article 27: Amendments. Each AU Overlay District shall be shown on the zoning map by adding an "-AU" to the base district designation. The zoning map also shall include a reference to the adopting ordinance establishing the AU Overlay District.

**3-1324 Land Use and Property Development Regulations**

The land use and development regulations applicable in an AU Overlay District shall be those of the base zoning district with which the AU Overlay District is combined unless modified by another overlay district or by the ordinance establishing the AU Overlay District. The requirements of the applicable AU Overlay District shall govern where conflicts arise.

**3-1326 Use Permit Required**

A use permit is required for any of the following actions within an AU Overlay District:

- A. Establishment of any new assembly use.
- B. Substantial expansion or alteration of any existing assembly use and/or structure.
- C. In addition to or in lieu of a use permit, the City Council may establish other review procedures or requirements at the time of establishment of an AU Overlay District or necessary to assure conformance of uses and buildings with purposes and objectives of the AU District.
- D. Exceptions. The Zoning Enforcement Official may waive the requirement for a use permit or other specified discretionary approval for the following activities, provided that any such waiver is not inconsistent with any policy directive or review criteria incorporated in the legislation establishing the AU Overlay District. These exceptions include alterations of existing structures that are minor in nature or that do not add more than ten percent (10%) to existing floor area, and maintenance or repair of existing structures.

**3-1328 Review Criteria and Conditions of Approval**

The review criteria and conditions of approval shall be as required in Sections 5-2212 and 5-2214.

**3-1330 Procedures**

An application for approval of a use permit in an AU Overlay District shall be processed in accord with the procedures established by Sections 5-2206 and 5-2208 and any additional requirements applicable to that AU district.